

FILED
Clerk
District Court

APR 30 2008

**IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF THE NORTHERN MARIANA ISLANDS**

For The Northern Mariana Islands
By _____
(Deputy Clerk)

UNITED STATES OF AMERICA,)	CRIMINAL CASE NO.: 08-00010-001
)	
Plaintiff,)	
)	VIOLATION REPORT
vs.)	
)	
ROSE MAYO OMAR REYES,)	
)	
Defendant.)	
_____)	

Re: Request for Modification of Release Conditions

On December 7, 2007, Ms. Rose Mayo Omar Reyes was charged in a sealed Criminal Complaint, Criminal Case 07-00028-001, with one count of False Statement in Application and Use of a Passport, in violation of 18 U.S.C. § 1542. On December 19, 2007, she was arrested and brought before the Honorable Alex R. Munson, Chief Judge, for an Initial Appearance hearing, at which time she was ordered detained. A Preliminary Examination hearing was set for December 21, 2007. On that day, however, the defendant returned to court with appointed counsel, Mr. F. Matthew Smith, and waived her right to a Preliminary Examination. Counsel represented that the defendant wished to cooperate with authorities and requested that she be released on bail. The court granted defense counsel's motion and the defendant was released with conditions. On January 14, 2008, the case was unsealed on motion of the Government.

On March 5, 2008, the defendant returned to Court with her attorney and entered a guilty plea to an Information charging her with Aiding and Abetting Attempted Illegal Entry, in violation of 8 U.S.C. § 1325(a) and 18 U.S.C. § 2. The case was docketed under Criminal Case 08-00010-001. Criminal Case 07-00028-001 was dismissed the following day. The defendant's release conditions were unchanged.

The defendant's release conditions are as follows: that she report to the U.S. Probation Office for Pretrial Services Supervision; that she execute an unsecured bond of \$10,000; that she surrender passport and obtain no new passport; that she not leave the island of Saipan without permission of the court; that she avoid all contact with victims and potential witnesses in this case including Mohamad Ruhul Amin; that she refrain from possessing a firearm, destructive device, or other dangerous weapon; that she refrain from

INFORMATIONAL REPORT

Violation of Pretrial Release Conditions

Re: REYES, Rose Mayo Omar

Criminal Case No 08-00010-001

April 23, 2008

Page 2

any use of alcohol; that she refrain from use or unlawful possession of a narcotic drug or other controlled substance defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner; that she submit to any method of testing required by the pretrial services office of the supervising officer for determining whether she is using a prohibited substance; that she refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance abuse testing which is required as a condition of release; and that she report as soon as possible, to the pretrial services officer, any contact with law enforcement personnel.

The defendant is alleged to have violated the following conditions:

Special Condition: *The defendant shall refrain from use or unlawful possession of a narcotic drug or other controlled substance defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.*

Special Condition: *The defendant shall submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance.*

On March 24, 2008, Ms. Reyes failed to report to Marianas Psychiatric Services (MPS) for random drug testing. She failed to report to her probation officer the next day for a compliance meeting as required by the drug testing program policy, which she had acknowledged understanding in writing. On March 31, 2008, Ms. Reyes presented herself to the probation officer to submit her monthly report and apologized for missing her drug test the week before. She stated that she does not have a telephone at her residence and relies on the use of her Aunt's telephone, which is several houses down the street from her residence. She stated that her Aunt's telephone was disconnected and she had no other means to call this officer. She was subjected to a drug test and it was presumptive positive for methamphetamine and amphetamine. Ms. Reyes denied drug use and the specimen was packaged and sent to STL Laboratory for analysis. On April 8, 2008, the laboratory results were received and indicated that Ms. Reyes was positive for methamphetamine and amphetamine.

On April 10, 2008, Ms. Reyes failed to report to MPS for random drug testing. After several unsuccessful attempts to contact her, on April 11, 2008, this officer drove to her residence to leave instructions for her to report to the office. She reported that same day and was confronted with laboratory report. She admitted to smoking "ice" on March 30, 2008.

INFORMATIONAL REPORT

Violation of Pretrial Release Conditions

Re: REYES, Rose Mayo Omar

Criminal Case No 08-00010-001

April 23, 2008

Page 3

Ms. Reyes subsequently failed to report to MPS for random drug testing on April 18 and 20, 2008. She reported to the U.S. Probation Office on the morning of April 21, 2008 and explained that she missed the drug tests due to lack of transportation. She was subjected to a drug test, which was negative for illicit substances.

Recommendation: It is recommended that the Court modify Ms. Reyes' pretrial release conditions, pursuant to 18 U.S.C. §3142(c)(3) to include:

1. The defendant will participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.

Ms. Reyes and her attorney have agreed to the proposed modification and have executed Pretrial Services Form PS42, Consent to Modify Conditions of Release. Ms. Reyes has been warned of the consequences of further violations and is willing to comply with the drug treatment requirement. Her compliance will be closely monitored and any further violations will be reported to the Court accordingly.

Respectfully submitted,

ROSANNA VILLAGOMEZ-AGUON
Chief U.S. Probation Officer

By:



MELINDA N. BRUNSON
U.S. Probation Officer

Reviewed by:



CARMEN D. O'MALLAN
U.S. Probation Officer Specialist
Supervision Unit Leader

cc: Eric O'Malley, Assistant U.S. Attorney
F. Matthew Smith, Defense Counsel
File

PS 42
(Rev. 07/93)

United States District Court

District of the Northern Mariana Islands

United States of America

vs.

Rose Mayo Omar Reyes


Case No: 08-00010-001

CONSENT TO MODIFY CONDITIONS OF RELEASE

I, Rose Mayo Omar Reyes, have discussed with Melinda N. Brunson,
Pretrial Services/Probation Officer, modifications of my release conditions as follows:

- The defendant will participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.

I consent to this modification of my release conditions and agree to abide by this modification.



Signature of Defendant

4-21-08
Date


Pretrial Services/Probation Officer

4/21/08
Date

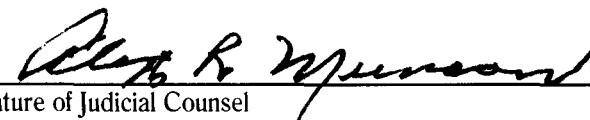
I have reviewed the conditions with my client and concur that this modification is appropriate.


Signature of Defense Counsel

4-29-08
Date

☒ The above modification of conditions of release is ordered, to be effective on 4-30-08

☐ The above modification of conditions of release is *not* ordered.


Signature of Judicial Counsel

4-30-08
Date